



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
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Monday, September 27, 2021

Emán Williams, M.S.P.H. M.A.  
The Louisiana Department of Health  
Section of Environmental Epidemiology  
and Toxicology  
P.O. Box 3214  
Baton Rouge, Louisiana 70821-3214

**Re: Louisiana Board of Ethics  
Docket No. 2021-723**

Dear Ms. Williams:

The Louisiana Board of Ethics ("Board"), at its October 8, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Louisiana Department of Health's ("LDH") Section of Environmental Epidemiology and Toxicology ("SEET") from accepting donated children's books from the Southeast Louisiana Area Health Education Center ("SELAHEC").

**FACTS PROVIDED**

LDH/SEET is interested in engaging child care owners and other early child care stakeholders in their Choose Safe Places for Early Care and Education Program ("CSPECE"). You would like to distribute children's books to child care providers who visited booths at conferences and other events related to CSPECE. Previously, SELAHEC partnered with LDH/SEET in June 2019, where SELAHEC provided children's books for conference participants who attended LDH/SEET's Environmental Health Symposium. SELAHEC has offered to donate children's books for CSPECE, even though the SELAHEC program that provided books in June 2019 has been discontinued. No SELAHEC employees are employed by LDH/SEET and vice versa.

**LAW**

**La. R.S. 42:1111(C)(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the

public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1123(30)** provides that a public servant, a legal entity in which he has a controlling interest, or a member of his immediate family may donate services, movable property, or funds to his agency. Nothing herein shall be construed to allow a public servant to make an appointment of a person which is otherwise prohibited by this Chapter.

### **CONCLUSION**

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit LDH/SEET from accepting donated children's books from SELAHEC. SELAHEC cannot be a prohibited source for an agency, as the agency is not a person or a public servant. SELAHEC is only a prohibited source for a public servant who is employed by LDH/SEET and who exercises control or owns in excess of twenty-five percent of SELAHEC. However, even if SELAHEC were a prohibited source, SELAHEC would not be prohibited from donating children's books for the CSPECE. LDH/SEET employees should take care not to solicit or accept gifts from SELAHEC, in violation of La. R.S. 42:1115.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,  
**LOUISIANA BOARD OF ETHICS**

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LaToya D. Jordan  
For the Board

*This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.*